

Regular Session, 2009

HOUSE BILL NO. 858 (Substitute for House Bill No. 547)

BY REPRESENTATIVE PONTI

TAX CREDITS: Expands eligibility for the wind and solar energy system tax credit to taxpayers who purchase and install such systems in residential properties

1 AN ACT

2 To amend and reenact R.S. 47:6030(A) and (B)(2), relative to individual and corporate
3 income tax; to provide for eligibility for the wind or solar energy systems tax credit;
4 to limit to one the number of tax credits which may be taken with respect to a wind
5 or solar energy system; to require the disclosure of certain information related to the
6 taking of a tax credit under certain circumstances; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 47:6030(A) and (B)(2) are hereby amended and reenacted to read as
9 follows:

10 §6030. Wind or solar energy systems tax credit

11 A. There shall be a credit against the income tax for the cost of purchase and
12 installation of a wind energy system or solar energy system, or both, by a ~~resident~~
13 ~~individual taxpayer~~ at his residence located in this state ~~or,~~ by the owner of a
14 residential rental apartment project, or by a taxpayer who purchases and installs such
15 a system in a residence or a residential rental apartment project which is located in
16 Louisiana. The credit may be claimed in cases where the resident individual
17 purchases a newly constructed home with such a system already installed or where
18 such a system is purchased and installed at an existing home, or where such systems
19 are installed in new or existing apartment projects. Only one such tax credit shall be

1 available for any eligible system. Once a tax credit authorized pursuant to this
2 Section is claimed by a taxpayer for a particular system, that same system shall not
3 be eligible for any other tax credit pursuant to this Section. If the residential
4 property or system is sold, the taxpayer who claimed the tax credit shall disclose his
5 use of the tax credit to the purchaser.

6 B.

7 * * *

8 (2) In the case of ~~an individual~~ a taxpayer who purchases and installs such
9 a system in a residence or an apartment project which is located in Louisiana, the tax
10 credit shall be claimed on the return for the taxable year in which such system is
11 completed and placed in service. In the case of ~~an individual~~ a taxpayer who
12 purchases a newly constructed home or newly constructed apartment project with
13 such a system, the tax credit shall be claimed on the return for the taxable year in
14 which the act of sale ~~of the house~~ takes place. ~~In the case of an apartment project~~
15 ~~owner who purchases and installs such systems, the tax credits for owner entities~~
16 ~~other than individuals shall be claimed in accordance with the provisions of~~
17 ~~Subsection E of this Section.~~

18 * * *

19 Section 2. The provisions of this Act shall be applicable to taxable periods beginning
20 on and after January 1, 2009.

21 Section 3. This Act shall become effective upon signature by the governor or, if not
22 signed by the governor, upon expiration of the time for bills to become law without signature
23 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
24 vetoed by the governor and subsequently approved by the legislature, this Act shall become
25 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Ponti

HB No. 858

Abstract: Expands eligibility for the wind or solar energy systems tax credit to taxpayers who purchase and install such systems in residential properties.

Present law provides for a wind or solar energy systems tax credit against individual or corporate income tax for the cost of purchase and installation of a wind or solar energy system by a resident individual at his residence located in this state or by the owner of a residential rental apartment project.

Present law provides that the credit shall be equal to 50% of the first \$25,000 of the cost of purchase and installation of each wind or solar energy system, purchased and installed on or after Jan. 1, 2008. Further provides that the credit may be used in addition to any federal tax credits earned for the same system; however, a taxpayer shall not receive any other state tax credit, exemption, exclusion, deduction, or any other tax benefit for property for which the taxpayer has received a tax credit according to the provisions of present law.

Proposed law retains present law and adds eligibility for a taxpayer who purchases and installs a wind or solar energy system in a residential property which is located in Louisiana.

Proposed law limits to one the number of tax credits that shall be available for any eligible system. Once a tax credit authorized pursuant to proposed law is claimed by a taxpayer for a particular system, that same system shall not be eligible for any other tax credit pursuant to proposed law. If the residential property or the system is sold, the taxpayer who claimed the tax credit shall disclose his use of the tax credit to the purchaser.

The provisions of this Act are applicable to taxable periods beginning on and after Jan. 1, 2009.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 47:6030(A) and (B)(2))